

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 07-60168

IN RE: FREDERICK GROVES,

Movant.

Motion for an order authorizing
the United States District Court for the Southern
District of Mississippi to consider
a successive 28 U.S.C. § 2254 application

Before JOLLY, STEWART, and PRADO, Circuit Judges.

PER CURIAM:

Frederick Groves, Mississippi prisoner # 78044, moves for leave to file a successive 28 U.S.C. § 2254 application, arguing that his sentence for transfer of a controlled substance violates the principles announced in Blakely v. Washington, 542 U.S. 296 (2004), and Apprendi v. New Jersey, 530 U.S. 466 (2000). Blakely and Apprendi are not grounds for filing a successive § 2254 application. In re Elwood, 408 F.3d 211, 213 (5th Cir. 2005).

IT IS ORDERED that the motion is DENIED.

Groves's motions for appointment of counsel and for leave to seek discovery also are DENIED.

A true copy
Attest

Clerk, U. S. Court of Appeals, Fifth Circuit

By

Deputy

New Orleans, Louisiana

JUN 05 2007

